

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Special Department

Notification

OSD/RRVS/41/66-B

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter No. F.7(11)/62-Goa dated 25th July, 1963, the Administrator of Goa, Daman and Diu is pleased to make the following rules amending the Goa Government, Education Department (non-gazetted, non-ministerial posts) Recruitment Rules, 1966 issued under Notification dated 23rd July, 1966 and published in Government Gazette Series I, No. 21 dated 25th August, 1966, namely:—

1. *Short title and commencement:* (i) These rules may be called the Goa Government Education Department (non-gazetted, non-ministerial posts) Recruitment (Fifth Amendment) Rules, 1971.

(ii) They shall come into force at once.

2. In the Schedule attached to the said Notification, against the posts of Assistant Lecturers in Engineering and Assistant Lecturer in Engineering drawing, appearing at serial No. 28 and 29,

(i) For the existing entry in column 4 substitute: "Rs. 250-10-290-15-380."

(ii) For the existing entry in column 7 substitute:

"Second Class Diploma in Civil/Mechanical/Electrical Engineering with two years professional or teaching experience.

OR

Degree in Civil/Mechanical/Electrical Engineering.

(iii) For the existing entry in column 11 substitute:

"Promotion: Demonstrators with three years experience in the Institution."

By order and in the name of the Administrator of Goa, Daman and Diu.

M. K. Bhandare, Deputy Secretary (Appointments).

Panaji, 17th May, 1971.

Notification

OSD/RRVS/52/67

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the

Government of India, Ministry of External Affairs letter No. F.7(11)/62-Goa dated the 25th July, 1963, the Administrator of Goa, Daman and Diu is pleased to make the following rules relating to the recruitment to the post of Deputy Director in the Large Unit Development Cell, under the Government of Goa, Daman and Diu.

1. *Short title.*—These rules may be called Goa Government, Large Unit Development Cell, Deputy Director, Class II gazetted post Recruitment Rules 1971.

2. *Application.*—These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. *Number, classification and scale of pay.*—The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. *Method of recruitment, age limit and other qualifications.*—The method of recruitment of the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

(a) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time; and

(b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule.

5. These rules will come into effect from the date of the Notification and will relate to appointments to the various posts made on or after this date.

K. N. Srivastava

Chief Secretary

Panaji, 13th May, 1971.

SCHEDULE

Name of the post	No. of posts	Classi- fication	Scale of Pay	Whether Selection Post or non- Selection Post	Age for direct recruits	Educational and other qualifications required for direct recruits	Whether educational qual- ifications pre- scribed for the direct recruits will apply in the case of promotees	Period of proba- tion, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment, by promotion/deputation/ transfer, grades from which promotion/depu- tation/transfer is to be made	If a DPC exists, what is its com- position making re- cruitment	Circumstances in which U. P. S. C. is to be con- sulted in making re- cruitment
1	2	3	4	5	6	7	8	9	10	11	12	13
Deputy Director	One	General Central Service Class II Gazetted.	Rs. 350-25- 500-30- 590-EB- 30-800- EB-30- 830-35- 900.	Selection	35 years and below. (Relaxable for Govt. servants)	<i>Essential:</i> i) Master's degree in Economic with Indus- trial Economics as one of the papers. ii) About 5 years of ex- perience of economic investigation and/or research. (Qualification relaxable at Commission's dis- cretion in case of can- didates otherwise well qualified). <i>Desirable:</i> Experience in designing of Economic investi- gation and preparing reports on Economic projects.	No	Two years	By direct recruitment	Not applicable	Not appli- cable	As required under the Union Pu- blic Ser- vice Com- mission (Exemp- tion from Consulta- tion) Re- gulations, 1958.

Notification

OSD/RRVS/1-B/67-A

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter No. F.7(11)/62-Goa dated the 25th July, 1963, the Administrator of Goa, Daman and Diu is pleased to make the following rules relating to the recruitment to the post of Librarian in the Secretariat under the Government of Goa, Daman and Diu.

1. **Short title.**—These rules may be called Goa Government, Secretariat Librarian Class III (non-ministerial, non-gazetted post) Recruitment Rules, 1971.

2. **Application.**—These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. **Number, classification and scale of pay.**—The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. **Method of recruitment, age limit and other qualifications.**—The method of recruitment of the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

- (a) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time; and
- (b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule.

5. These rules will come into effect from the date of the Notification and will relate to appointments to the various posts made on or after this date. An appointment made prior to this date through a duly constituted Staff Selection Board/Departmental Promotion Committee will be deemed to be a regular appointment, notwithstanding any provisions contained in these rules, and the probation period in that case will extend to six months only from the date of this notification.

K. N. Srivastava
Chief Secretary

Panaji, 17th May, 1971.

SCHEDULE

Name of the post	No. of posts	Classification	Scale of Pay	Whether Selection Post or non-Selection post	Age for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for the direct recruitments will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment, by which promotion/grades from which promotion/deputation/transfer is to be made	If a DPC exists, what is its composition	Circumstances in which U. P. S. C. is to be considered in making recruitment
1	2	3	4	5	6	7	8	9	10	11	12	13
Librarian	One	Class III (Non-ministerial, Non-gazetted).	Rs. 210-10-290-15-320-EBB-15-425.	N. A.	30 years and below. (Relaxable for Govt. servants)	Essential: i) Degree of a recognised University or equivalent qualification. ii) Diploma or Certificate in Library Science of a recognised Institute.	N. A.	Two years	By direct recruitment	N. A.	N. A.	As required under the rules.

Desirable:

Practical experience of Librarian.

Notification

OSD/RRVS/29/41

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter no. F.7(11)/62-Goa dated the 25th July 1963, the Administrator of Goa, Daman and Diu is pleased to make the following rules relating to the recruitment to the post of Special Recovery Officer in the Department of Cooperation under the Government of Goa, Daman and Diu.

1. **Short title.** — These rules may be called Goa Government, Department of Cooperation, Special Recovery Officer, Class III (non-ministerial, non-gazetted posts) Recruitment Rules, 1971.

2. **Application.** — These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. **Number, classification and scale of pay.** — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. **Method of recruitment, age limit and other qualifications.** — The method of recruitment of the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

- the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time; and
- no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule.

5. These rules will come into effect from the date of the Notification and will relate to appointments to the various posts made on or after this date. An appointment made prior to this date through a duly constituted Staff Selection Board/Departmental Promotion Committee will be deemed to be a regular appointment, notwithstanding any provisions contained in these rules, and the probation period in that case will extend to six months only from the date of this notification.

K. N. Srivastava

Chief Secretary

Panaji, 17th May, 1971.

SCHEDULE

Name of the post	No. of posts	Classification	Scale of Pay	Whether Selection Post or non-Selection Post	Age for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for the direct recruitments will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment, by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a DPC exists, in which U.P.S.C. what is to be considered in position making recruitment	
1	2	3	4	5	6	7	8	9	10	11	12	13
Special Recovery Officer	One	Class III (Non-ministerial, Non-gazetted).	Rs. 250-10-290-15-380.	Selection	N. A.	N. A.	N. A.	N. A.	By transfer	Transfer: Senior Cooperative Inspectors.	N. A.	As required under the rules.

Notification

OSD/RRVS/41/67

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter No. F.7(11)/62-Goa dated the 25th July 1963, the Administrator of Goa, Daman and Diu is pleased to make the following rules relating to the recruitment to the posts of Instructors in the Engineering College under the Government of Goa, Daman and Diu.

1. **Short title.**— These rules may be called Goa Government, Engineering College Instructors Class III (non-ministerial, non-gazetted posts) Recruitment Rules, 1971.

2. **Application.**— These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. **Number, classification and scale of pay.**— The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. **Method of recruitment, age limit and other qualifications.**— The method of recruitment of the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

- the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time; and
- no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule.

5. These rules will come into effect from the date of the Notification and will relate to appointments to the various posts made on or after this date. An appointment made prior to this date through a duly constituted Staff Selection Board/Departmental Promotion Committee will be deemed to be a regular appointment, notwithstanding any provisions contained in these rules, and the probation period in that case will extend to six months only from the date of this notification.

K. N. Srivastava
Chief Secretary

Panaji, 17th May, 1971.

SCHEDULE

Name of the post	No. of posts	Classification	Scale of Pay	Whether Selection Post or non-Selection Post	Age for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for the direct recruitments will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment, by promotion/deputation/transfer, grades from which promotion/transfer is to be made	If a DPC exists, what is to be consulted in its composition making recruitment	Circumstances in which U. P. S. C. is to be consulted in making recruitment
1	2	3	4	5	6	7	8	9	10	11	12	13
Instructor	Seven	Class III (Non-ministerial, Non-gazetted).	Rs. 150-5-160-8-240-EB-9-280.	Selection	30 years and below. (Relaxable for Govt. servants)	1. S. S. C. E. or equivalent qualification. 2. National Trade Certificate in respective Trade.	N. A.	Two years	By direct recruitment	N. A.	N. A.	As required under the rules.

OR

I. T. I. Certificate or equivalent in respective trade with at least two years experience in a reputed Establishment/Institution.

Home Department 'A'

Notification

HD.25-107/70-A

In exercise of the powers conferred by section 41 of the Motor Vehicles Act, 1939 (4 of 1939) as applicable to the Union territory of Goa, Daman and Diu and all other powers enabling him in that behalf, the Administrator of Goa, Daman and Diu hereby makes as follows the eleventh amendment to the Goa, Daman and Diu Motor Vehicles Rules, 1965, as last amended as per Government of Goa, Daman and Diu notification No. HD.25-15316/69-A dated 6th February, 1970.

1. Insertion of Rule 1.4-After rule 1.3 of the Goa, Daman and Diu Motor Vehicles Rules, 1965 the following new rule shall be inserted namely:—

"1.4 All motor vehicles owned by the Union of India and certified by the General Administration Department of the Government of Goa, Daman and Diu as being used in connection with the administration of the Union of the Union Territory of Goa, Daman and Diu shall be exempted from the payment of fees prescribed under these rules".

By order and in the name of the Administrator of Goa, Daman and Diu.

M. K. Bhandare, Under Secretary (Home).

Panaji, 25th May, 1971.

Notification

HD. 25-160/70-A

The following draft of an amendment which is proposed to be made to the Goa, Daman and Diu Motor Vehicles Rules, 1965, is hereby published for general information. Notice is hereby given that the said draft will be taken into consideration by the Government on the expiry of one month from the date of publication of this notification in the Official Gazette. All objections and suggestions regarding the draft amendment may be sent to the Under Secretary to the Government of Goa, Daman and Diu, Home Department, Secretariat, Panaji, before the expiry of one month from the date of the publication of this notification in the Official Gazette so that they may be taken into consideration at the time of finalization of the proposed amendment.

DRAFT AMENDMENT

In exercise of the powers conferred by section 68 of the Motor Vehicles Act, 1939 (4 of 1939) as applicable to the Union territory of Goa, Daman and Diu and all other powers enabling him in that behalf, the Lt. Governor of Goa, Daman and Diu hereby makes as follows the Fourteenth Amendment to the Goa, Daman and Diu Motor Vehicles Rules, 1965 as last amended as per Government of Goa, Daman and Diu notification No. HD. 25-15316/69-A dated 6th February, 1970.

1. Substitution of sub-rules (1) and (2) of Rule 4.6. — For sub-rules (1) and (2) of rule 4.6 of the

Goa, Daman and Diu Motor Vehicles Rules, 1965, the following shall be substituted, namely: —

“(1) The State Transport Authority shall invite application by an advertisement in local newspapers or in the Official Gazette, for the entire route and shall appoint a date upto which applications for grant of stage carriage or public carriers permit would be received.

(2) Upon receipt of applications received in response to advertisement referred to in sub-rule (1), the State Transport Authority shall notify through local newspapers or Official Gazette, and by displaying on notice board of office, the number of applications received, the date within which objections and representations thereto should be submitted, and the place where the applications may be available for inspection. The State Transport Authority shall also forward a copy of such notice to the local Railway Administration”.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

M. K. Bhandare, Under Secretary (Home).

Panaji, 25th May, 1971.

Legislative Assembly of Goa, Daman and Diu

Legislature Department

Notification

LA/A/7/960/71

In exercise of the powers conferred on him by Rule 117 of the Rules of Procedure and Conduct of Business of Legislative Assembly of Goa, Daman and Diu, the Speaker has ordered publication of the following Bill for general information.

The Maharashtra Co-operative Societies (Second Goa, Daman and Diu Amendment) Bill, 1971

(Bill No. 14 of 1971)

A BILL

to amend the Maharashtra Co-operative Societies Act, 1960 extended to the Union territory of Goa, Daman and Diu.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty second Year of the Republic of India as follows: —

1. **Short title and commencement.** — (1) This Act may be called the Maharashtra Co-operative Societies (Second Goa, Daman and Diu Amendment) Act, 1971.

(2) It shall come into force on such date as the Administrator, Goa, Daman and Diu, may, by notification in the Official Gazette, appoint.

2. **Insertion of section 13A.** — After section 13 of the Maharashtra Co-operative Societies Act, 1960 as extended to the Union territory of Goa, Daman

and Diu (hereinafter referred to as the “principal Act”) the following section shall be inserted, namely: —

“13A **Power of direct amendment of bye-laws.** — If it appears to the Registrar that an amendment of the bye-laws of a society is necessary or desirable in the interest of such society he may call upon the society, in the manner prescribed, to make the amendment within such time as he may specify.

(2) If the society fails to make the amendment within the time specified, the Registrar may, after giving the society an opportunity of being heard and after consulting such state Federal Society as may be notified by the State Government register such amendment, and issue to the society a copy of such amendment, certified by him. With effect from the date of the registration of the amendment in the manner aforesaid, the bye-laws shall be deemed to have been duly amended accordingly; and the bye-laws as amended shall, subject to appeal (if any), be binding on the society and its members.”.

3. **Insertion of section 17A.** — After section 17 of the principal Act, the following section shall be inserted, namely: —

“17A **Power to direct amalgamation, division and re-organisation in public interest etc.** — (1) Where the Registrar is satisfied that it is essential in the public interest, or in the interest of the co-operative movement, or for the purpose of securing the proper management of any society, that two or more societies should amalgamate or any society should be divided to form two or more societies or should be reorganised then notwithstanding anything contained in the last preceding section but subject to the provisions of this section, the Registrar may, after consulting such federal society as may be notified by the State Government by order notified in the Official Gazette, provide for the amalgamation, division or reorganisation of those societies into a single society, or into societies with such constitution, property, rights, interests and authorities, and such liabilities, duties and obligations, as may be specified in the order.

(2) No order shall be made under this section, unless —

(a) a copy of the proposed order has been sent in draft to the society or each of the societies concerned;

(b) the Registrar has considered and made such modifications in the draft order as may seem to him desirable in the light of any suggestions and objections which may be received by him within such period (not being less than two months from the date on which the copy of the order as aforesaid was received by the society) as the Registrar may fix in that behalf, either from the society, or from any member or class of members thereof, or from any creditor or class of creditors.

(3) The order referred to in sub-section (1) may contain such incidental, consequential and

supplemental provisions as may, in the opinion of the Registrar, be necessary to give effect to the amalgamation, the division or reorganisation.

(4) Every member or creditor of each of the societies to be amalgamated, divided or reorganised, who has objected to the scheme of amalgamation, division or reorganisation, within the period specified, shall be entitled to receive, on the issue of the order of amalgamation, division or reorganisation his share or interest if he be a member, and the amount in satisfaction of his dues if he be a creditor.

(5) On the issue of an order under sub-section (1), the provisions in sub-sections (2), (3) and (4) of section 17 shall apply to the societies so amalgamated, divided or reorganised as if they were amalgamated, divided or reorganised under that section, and to the society amalgamated, divided or reorganised."

4. Amendment of section 78. — After sub-section (2) of section 78 of the principal Act, the following sub-section shall be inserted, namely: —

"(2A) The Registrar may fix the remuneration payable to the administrators and any expenses of management which shall be payable out of funds of the society within such time and at such intervals as the Registrar may fix, and if such remuneration or expenses are not paid within such time or at intervals, the Registrar may direct the person having custody of the funds of the society to pay to the administrators such remuneration and expenses in priority to any other payments (except land revenue, any arrears of land revenue or any sum recoverable from the society as arrears of land revenue) and he shall, so far as the funds to the credit of the society allow, comply with the orders of the Registrar."

5. Amendment of section 165. — After clause (iii) of sub-section (2) of section 165 of the principal Act, the following clause shall be inserted, namely: —

"(iiia) prescribe the procedure to be followed and conditions to be observed for change of name or liability, amalgamation, transfer, division, conversion or reconstruction of society."

Statement of Objects and Reasons

The object of the Bill is to amend the Maharashtra Co-operative Societies Act 1960 as extended to the Union territory by inserting certain sections in order to improve the working of Co-operative Sector in this territory. For this purpose the following sections have been inserted in the Act, the brief reasons thereof are as under: —

Section 13 A: — Power of Direct Amendment of Bye-Laws.

When the Maharashtra Co-operative Societies Act 1960 was extended to this Union territory section 14 of the Act was dropped. In the beginning since the Co-operation movement was totally a new subject to this area, the absence of section 14 had not posed any difficulty but since now the Co-operation move-

ment has become established, power under section 14 becomes a need for further improving the movement for which a section 13A has been inserted. This type of power has been conferred on the Registrar in parallel legislation in some other States i.e. Madhya Pradesh, Andhra Pradesh and Maharashtra State.

Section 17A: — Power to direct amalgamation, division and reorganisation in public interest etc.

The incorporation of this section is now a need in order to empower the Registrar to direct the amalgamation, division or reorganisation of the Societies into a single Society in order to improve and strengthen the co-operative movement further.

Section 78(2A) Power of Removal of Committee or Member thereof.

When the management of any society is not efficient, elected committee or members thereof are removed by the Registrar for certain period (maximum four years) and an administrator is appointed who may be Government servant as well as anybody from the non-official. When any person is appointed to work as Administrator, his remuneration is to be fixed by the Registrar to be paid out of the funds of the Society. Till now this power is not in the extended Act and this is causing lot of difficulty in appointing administrators and fixing their remuneration. The insertion of this section envisages to meet the need.

Now, with the growth of the movement, more and more Societies were under the charge of the administrators for a particular period, the necessity of such a power is being felt more urgent and hence the provision is to be made by insertion of this sub-section.

Memorandum of Delegated Legislation

Section 165 confers powers on the State Government to make rules for the conduct and regulation of the business of co-operative societies and for carrying out purpose of this Act. The clause IV of this section was dropped while this Act was extended to this Union territory because originally the section 18 also had been dropped. This clause gives powers to the State Governments for making rules under the provision of section 18 of the Act. Therefore, the insertion of clause IV of sub-clause 2 of section 165 is a consequence of the incorporation of section 17A in the Act.

Panaji,
10th May, 1971
Assembly Hall,
Panaji,
26th May, 1971

A. K. S. USGAONKAR
Minister of State
O. P. GARG
Secretary to the Legislative
Assembly of Goa, Daman and Diu

Notification

LA/A/7/976/71

In exercise of the powers conferred on him by Rule 117 of the Rules of Procedure and Conduct of Business of Legislative Assembly of Goa, Daman and Diu, the Speaker has ordered publication of the following Bill for general information.

The Maharashtra Agricultural Produce Marketing (Regulation)
(First Goa, Daman and Diu Amendment) Bill, 1971

(Bill No. 15 of 1971)

A
BILL

to amend the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 as extended to the Union territory of Goa, Daman and Diu.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-second Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Maharashtra Agricultural Produce Marketing (Regulation) (First Goa, Daman and Diu Amendment) Act, 1971.

(2) It shall come into force on such date as the Administrator, Goa, Daman and Diu, may by notification in the Official Gazette, appoint.

2. **Amendment of section 6.**—For sub-section (2) of section 6 of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 as extended to the Union territory of Goa, Daman and Diu (hereafter referred to as the 'principal Act') the following shall be substituted, namely:—

“(2) Nothing in sub-section (1) shall apply to,—

- (a) sale by retail,
- (b) sale by an agriculturist of his own produce, or
- (c) sale by a person where he himself sells to another who buys for his personal consumption or the consumption of any member of his family.”

3. **Amendment of section 13.**—In section 13 of the principal Act, in sub-section (1),—

(i) for the words “fifteen members” the words “eighteen members” shall be substituted; and

(ii) for clause (a), the following shall be substituted, namely:—

“(a) ten agriculturists residing in the market area (not being less than twenty one years of age on the date specified from time to time by the Collector in this behalf); seven of whom shall be elected by members of the managing committee of the Agricultural credit societies, and Multipurpose Co-operative societies within the meaning of the Maharashtra Co-operative Societies Act, 1960 as applied to the Union territory of Goa, Daman and Diu, and the rules made thereunder, functioning in the market area; and three shall be elected by members of Village Panchayats functioning therein;”

4. **Amendment of section 17.**—In section 17 of the principal Act, for the words “eight members”, the words “ten members” shall be substituted.

Statement of Objects and Reasons

The object of the bill is to amend the Maharashtra Agricultural Produce Marketing (Regulation) Act,

1963 as extended to the Union territory of Goa, Daman and Diu to safeguard the interest of agriculturist and mainly to simplify the election procedure of agriculturists members to the Market Committee.

Under the existing provisions of the Act no specific mention of sales by an agriculturist has been made. The object of the amendment is to safeguard the interest of agriculturists in relation to provisions under 6(1).

Under the existing provisions the Market Committee consists of 15 members of which seven are agriculturists. The amendment is proposed to increase the number of agriculturist from seven to ten to give wider representation to agriculturists to safeguard their interests. Therefore the amendment is made to increase the number of the members of Market Committee from fifteen to eighteen. As per the existing provisions seven agriculturists are to be elected from amongst the agriculturists residing in the market area. Since whole Goa has been declared as market area a list of agriculturists from all over Goa is required to be prepared for getting the seven agriculturists elected. The market area is required to be divided into seven single member constituencies each returning one candidate with separate election for each constituency consisting of such number of village or other areas as may be determined by the Collector. Thus the procedure is time consuming expensive and almost on the lines of general elections.

As per the proposed amendment ten agriculturists residing in the market area are to be elected, seven of whom shall be elected by members of managing committee of the Agricultural credit societies, and Multipurpose Co-operative societies and three shall be elected by members of village panchayats functioning therein. Managing Committee members of the Agricultural credit societies and multipurpose co-operative Societies and members of village panchayat are the elected representatives who in turn shall elect the ten agriculturist members.

Panaji,
11th May, 1971

A. K. S. USGAONKAR
Minister of State

Assembly Hall
Panaji,
26th May, 1971

O. P. GARG
Secretary to the Legislative
Assembly of Goa, Daman and Diu.

(Annexure to Bill No. 15 of 1971)

The Maharashtra Agricultural Produce Marketing (Regulation)
(First Goa, Daman and Diu Amendment) Bill, 1971

.....
The Maharashtra Agricultural Produce Marketing (Regulation) Act 1963,
as extended to the Union territory of Goa, Daman and Diu
.....

6. (2) Nothing in sub-section (1) shall apply to sales by retail; nor to sales by a person where he himself sells to another who buys for his personal consumption or the consumption of any member of his family.

13. **Construction of Market Committees.**—(1) Subject to the provisions of sub-section (2), every Market Committee shall consist of the following fifteen members, namely:—

(a) seven agriculturists elected from amongst the agriculturists (not being less than twenty-one years of

age on the date specified from time to time by Collector in this behalf) residing in the market area;

17. Removal of member for misconduct.—The Administrator may on the recommendation of the Market Committee supported by not less than eight members present and voting at a meeting remove any member if he has been guilty of neglect or misconduct in the discharge of his duties, or of any disgraceful conduct, has become incapable of performing his duties as a member, or is adjudged an insolvent:

Provided that, no such member shall be removed from office unless he has been given reasonable opportunity of being heard by the Administrator.

Assembly Hall,
Panaji,
26th May, 1971

O. P. GARG
Secretary to the Legislative
Assembly of Goa, Daman and Diu.

Notification

LA/A/7/982/71

The following Act passed by the Legislative Assembly of Goa, Daman and Diu received the Assent of the President of India on the 14th May, 1971 and is hereby published for general information.

The Goa, Daman and Diu Village Panchayats Regulation (Amendment) Act, 1969

(Act No. 4 of 1971) [14th May, 1971]

An Act to amend the Goa, Daman and Diu Village Panchayats Regulation, 1962.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twentieth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Goa, Daman and Diu Village Panchayats Regulation (Amendment) Act, 1969.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. Insertion of sections 31A and 31B.—After section 31 of the Goa, Daman and Diu Village Panchayats Regulation, 1962 (hereinafter referred to as the "Regulation") the following sections shall be inserted, namely:—

"31A. Administrative powers to Panchayats.—A Panchayat may by a resolution passed at its meeting and supported by a majority of two thirds of the total number of its members make provision for any public reception, ceremony or entertainment within the village or may make a contribution towards an annual gathering or such other gathering of Panchayats in the blocks, district or Union territory:

Provided that except with the previous sanction of the Collector, the Panchayat shall not incur expenditure exceeding fifty rupees on any such reception, ceremony, entertainment or gathering and the total expenditure thereon during any financial year shall not exceed two hundred rupees.

31B. Other duties.—Subject to such conditions as the Government may impose a Panchayat shall perform such other administrative duties as may be assigned to it by the Government by notification in the Official Gazette."

3. Amendment of section 37.—For section 37 of the Regulation, the following shall be substituted, namely:—

"37. Grants and loans.—The Lieutenant Governor may subject to such conditions as he may deem fit—

- (a) make grant to a Panchayat for general purposes or for the improvement of the area within its jurisdiction and the welfare of the residents therein;
- (b) sanction such loans as may be prescribed to a Panchayat for taking up such remunerative schemes as may provide additional income to the Panchayat, within its jurisdiction."

4. Amendment of section 39.—After clause (m) of sub-section (1) of section 39 of the Regulation, the following clause shall be added, namely:—

"(n) any other taxes, fees or duties which the Government may authorise."

5. Addition of new sections 74 to 84.—After section 73 of the Regulation, the following sections shall be added, namely:—

"74. Repeal of the Legislative Diploma no. 642 dated 25-3-1933.—In any local area which is declared to be a village under section 3, the Legislative Diploma no. 642 dated 25-3-1933 or any law corresponding to the said Diploma in force in the Union territory shall cease to apply:

Provided that—

- (a) nothing in this section shall affect the liability of any person to any penalty under any law so ceasing to be in force;
- (b) any appointment, notification, order, rule made or issued under any such law in respect of any cattle pounds within the limits of any Panchayat area shall, so far as it is not inconsistent with the provisions of this Regulation, be deemed to have been made or issued under this Regulation and continue in force until superseded by any notification, order or rule made under this Regulation;
- (c) any cattle pound established under any law so ceasing to be in force shall be deemed to be vested in the Panchayat within whose limits it is situated and shall be maintained and managed by the Panchayat in accordance with the provisions of this Regulation.

Explanation.—For the purposes of sections 74 to 81, "cattle" means and includes tamed animals such as bulls, bullocks, heifers, cows, and their young, elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, swine, sheep, rams, lambs, goats and kids.

75. Power to establish cattle pounds and appoint pound-keepers.—(1) Notwithstanding anything contained in any law for the time being in force, every Panchayat within the limits of its jurisdiction shall, from time to time, appoint such places as it thinks fit to be public pounds, and may appoint to be keepers of such pounds such persons as may be approved by the Collector. The duties of pound keepers shall be such as may be prescribed.

(2) Every pound keeper so appointed shall, in the performance of his duties, be subject to the direction and control of the Panchayat.

76. Penalty for allowing cattle to stray in street or to trespass upon private or public property. —

(1) Whoever, within the limits of a village, allows any cattle which are his property or in his charge to stray in any street or to trespass upon any private or public property shall, on conviction be punished —

- (i) for the first offence, with fine which may extend to one hundred rupees;
- (ii) for a second or subsequent offence, with a fine which may extend to five hundred rupees.

(2) The Judicial Magistrate trying the offence under sub-section (1) may order,

that the accused shall pay compensation as the Judicial Magistrate considers reasonable, to any person for any damage proved to have been caused to his property or to the produce of land, by the cattle under the control of the accused, trespassing on his land.

(3) Any compensation awarded under sub-section (2) may be recovered as if it were a fine imposed under this section.

(4) An offence under this section shall be cognisable.

77. Impounding cattle. — (1) It shall be the duty of every Police Officer and a Watch and Ward appointed by the Panchayat or any other official authorised by the Government, and it shall be lawful for any other person, to seize and take to any such public pound for confinement therein, any cattle found straying in any street or trespassing upon any private or public property or causing damage thereto within the limits of the village.

(2) Whoever forcibly opposes the seizure of cattle liable to be seized under this Regulation, and whoever rescues the same after seizure, either from a pound or from any person taking or about to take them to a pound shall, on conviction, be punished with imprisonment for a term not exceeding six months or with fine not exceeding five hundred rupees, or with both.

78. Delivery of cattle claimed. — If the owner of cattle which are impounded under section 77 or his agent appears and claims the cattle, the pound-keeper shall deliver them to him on payment of the pound-fees and expenses chargeable in respect of such cattle under section 80.

79. Sale of cattle not claimed. — (1) If within ten days after any cattle has been impounded, no person appearing to be the owner of such cattle offers to pay the pound-fee and expenses chargeable under section 80 such cattle shall be forthwith sold by auction in the prescribed manner and the surplus remaining after deducting the fee and expenses aforesaid from the proceeds of the sale, shall be paid to any person who, within fifteen days after the sale, proves to the satisfaction of such officer as the Panchayat authorises in this behalf, that he was the owner of such cattle and shall, in any other case, form part of the Panchayat Fund.

(2) No Police Officer, or officer, member or servant of the Panchayat including the pound-keeper shall, directly or indirectly, purchase any cattle at a sale under sub-section (1).

80. Pound-fee and expenses chargeable to be fixed. —

(1) The pound-fee chargeable shall be such as the Government may, from time to time by notification in the Official Gazette, specify for each kind of cattle.

(2) The expenses chargeable shall be at such rate for each day during any part of which any cattle is impounded as shall from time to time be fixed by the Panchayat with the previous approval of the Collector, or any officer authorised by him in this behalf.

81. Complaints of illegal seizure or detention. —

(1) Any person whose cattle have been seized under this Regulation or having been so seized, have been detained in contravention of this Regulation, may, at any time within ten days from the date of the seizure make a complaint to a Judicial Magistrate of the First Class.

(2) The complaint shall be made by the complainant in person, or by an agent personally acquainted with the circumstances. If the Judicial Magistrate on examining the complainant or his agent sees reason to believe the complaint to be well founded, he shall summon the person complained against and make an enquiry into the case.

(3) If the seizure or detention be adjudged illegal, the Judicial Magistrate shall award to the complainant for the loss caused by the seizure or detention reasonable compensation not exceeding one hundred rupees to be paid by the person who made the seizure or detained the cattle, together with all fees paid and expenses incurred by the complainant in procuring the release of the cattle, and, if the cattle have not been released, the Judicial Magistrate shall, besides awarding such compensation, order their release and direct that the fees and expenses leviable under this Regulation shall be paid by the person who made the seizure or detained the cattle.

(4) The compensation, fees and expenses mentioned in this section may be recovered as if they were fines imposed by the Judicial Magistrate.

82. Joint Committees of two or more local bodies. —

(1) A Panchayat may, from time to time, concur with any other Panchayat or with any Municipality or with more than one such Panchayat/Municipality, —

- (a) in appointing out of their respective bodies a joint committee for any purpose in which they are jointly interested and in appointing a Chairman of such Committee;
- (b) in delegating to any such Committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exerciseable by either or any of such bodies; and
- (c) in framing and modifying rules for regulating the proceedings of any such Committee and the conduct of correspondence relating to the purpose for which the Committee is appointed.

(2) Where a Panchayat has requested the concurrence of any other Panchayat or Municipality under the provisions of sub-section (1) in respect of any matter and such other Panchayat or Municipality has refused to concur, the Government may pass such orders as it may deem fit requiring the concurrence of such other Panchayat or Municipality in the matter aforesaid, and such other Panchayat or Municipality shall comply with such order.

(3) If any difference of opinion arises between local bodies acting under this section, the decision thereon of the Government, or of such officer as it appoints in this behalf, shall be final.

83. Control of erection of buildings. — (1) No person shall erect or re-erect or commence to erect or re-erect within the limits of a village, any building without the previous permission of the Panchayat.

(2) Permission shall be presumed to have been granted if the Panchayat fails to communicate its sanction or refusal in respect thereof within two months from the date of receipt of the application for permission. In case of refusal, the Panchayat shall communicate to the applicant the reasons therefor; and an appeal shall lie against any such order of refusal to the Deputy Collector/Sub-Divisional Officer in charge of the sub-division within a period of thirty days of the date of communication of such refusal.

(3) No person who becomes entitled under sub-section (1) or (2) to proceed with any intended work of erection or re-erection shall commence such work after the expiry of one year from the date on which he first became entitled so to proceed therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of the preceding sub-sections.

(4) Whoever erects or re-erects or commences to erect or re-erect any building without such permission or in any manner contrary to the provisions of sub-section (1) or any bye-law in force, or to any conditions imposed by the Panchayat shall be punished with fine, which may extend to fifty rupees; and in the case of a continuing contravention, he shall be liable to an additional fine, which may extend to five rupees for each day during which such contravention continues after conviction for the first such contravention.

(5) Without prejudice to the penalty prescribed in sub-section (4) the Panchayat may —

- (a) direct in writing that the erection or re-erection be stopped;
- (b) by written notice require such erection or re-erection to be altered or demolished as it may deem necessary within a reasonable time;

and if the requirement under clause (b) is not complied with within the time fixed in the notice, the Panchayat may cause the alteration or demolition to be carried out by its officers and servants and all the expenses incurred by the Panchayat therefor shall be recoverable in the same manner as an amount claimed on account of any tax recoverable as arrears of land revenue under any law for the time being in force in the Union territory.

(6) Nothing contained in this section shall apply to any building which is used or required for public

service, or for any public purpose, and is the property of the Government or any Panchayat or Municipality or is to be erected or re-erected by the Government or the Panchayat or Municipality; but reasonable notice of the proposed construction shall be caused to be given to the Panchayat, and the objections or suggestions of the Panchayat, if any, shall be considered.

Explanation. — The expression «erect» or «re-erect» with reference to a building in this section, includes —

- (a) any material alteration, or enlargement of or in any building;
- (b) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation;
- (c) such alteration of a building as would effect a change in the drainage or sanitary arrangement or materially affect its security;
- (d) the addition of any rooms, buildings, out-houses or other structures to any building;
- (e) the conversion by any structural alteration, into a place of religious worship or into a sacred building of any place or building not originally meant or constructed for such purpose;
- (f) roofing or covering an open space between walls and buildings, as regards the structure which is formed by roofing or covering such space;
- (g) conversion into a stall, shop, warehouse, or godown of any building not originally constructed for use as such or vice versa;
- (h) construction in a wall adjoining any street or land not vested in the owner of the wall, of a door opening on such street or land.

84. Obstructions and encroachment upon public streets and open sites. — (1) Whoever, within the limits of a village, —

- (a) builds or sets up any wall, or any fence, rail, post, stall, verandah, platform, plinth, step or structure or thing or any other encroachment or obstruction, or
- (b) deposits, or causes to be placed or deposited any box, bale, package or merchandise or any other thing, or
- (c) without written permission given to the owner or occupier of a building by the Panchayat, puts up, so as to project from an upper storey thereof, any verandah, balcony, room or other structure or thing, in or over any public street or place, or in or over or upon any open drain, gutter, sewer or aqueduct in such street or place, or contravenes any conditions subject to which any permission as aforesaid is given or the provisions of any bye-laws made in relation to any such projections or cultivates or makes any unauthorised use of any grazing land, not being private property

shall, on conviction, be punished with fine, which may extend to fifty rupees, and with further fine, which may extend to five rupees for every day on

which obstruction, deposit, projection, cultivation or unauthorised use continues after the date of first conviction for such offence.

(2) The Panchayat shall have power to remove any such obstructions or encroachment and to remove any crop unauthorisedly cultivated on grazing land or any other land, not being private property, and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open site not being private property whether such site is vested in the Panchayat or not provided that if the site be vested in the Government, the permission of the Collector or any officer authorised by him in this behalf shall have first been obtained. The expense of such removal shall be paid by the person who has caused the said obstruction or encroachment and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable as arrears of land revenue under law for the time being in force in the Union territory.

(3) The power under sub-section (2) may be exercised in respect of any obstruction, encroachment or projection referred to therein whether or not such obstruction, encroachment or projection has been made before or after the village is declared as such under this Regulation or before or after the property is vested in the Panchayat.

(4) Whoever, not being duly authorised in that behalf, removes earth, sand or other material from, or makes any encroachment in or upon any open site which is not private property, shall, on conviction, be punished with fine, which may extend to fifty rupees and in the case of an encroachment with further fine, which may extend to five rupees for every day on which the encroachment continues after the date of first conviction.

(5) Nothing contained in this section shall prevent the Panchayat from allowing any temporary occupation of, or erection in, any public street on occasions of festivals and ceremonies, or the piling of fuel in by-lanes and sites for not more than fifteen days, and in such manner as not to inconvenience the public or any individual or from allowing any temporary erection on, or putting projection over, or temporary occupation of, any such public street or place for any other purpose in accordance with the bye-laws made under this Regulation."

Secretariat,

Panaji,

1st June, 1971

O. P. GARG

Secretary to the Legislative
Assembly of Goa, Daman and Diu

Local Self Government Department

Notification

3-97-70-LSG

In exercise of the powers conferred by section 52 of the Goa, Daman and Diu Municipalities Act, 1968 (9 of 1969) and all other powers enabling him in that behalf, the Administrator of Goa, Daman and Diu hereby makes, as follows the first amendment to the Goa, Daman and Diu Municipalities (President and Vice President Election) Rules 1969, the same having been previously published as required by sub-section (3) of the said Section 306, namely:—

1 Insertion of rule 10 — after rule 9 of the Goa, Daman and Diu Municipalities (President and Vice President Elections) Rules, 1969 the following new rule shall be inserted, namely:

"10 Dispute regarding Elections —

(1) Any dispute regarding the election of President or Vice President may be referred to the Administrative Tribunal for decision by any Councillor feeling aggrieved from the result declared under rule 7.

Provided that no reference shall be entertained by the Administrative Tribunal if the reference has not been received in the office of the Administrative Tribunal within a period of 10 days from the declaration of result as aforesaid.

2. A reference received under sub-rule (1) may be disposed of by the Administrative Tribunal by passing an order —

- (i) dismissing the reference or
- (ii) declaring the election in dispute to be void or
- (iii) declaring any candidate rival at the election to have been duly elected.

3. An order passed by the Administrative Tribunal under sub-rule (2) above shall be final as to the dispute referred in sub-rule (1).

By order and in the name of the Administrator of Goa, Daman and Diu.

D. N. Barua, Secretary, Industries and Labour.

Panaji, 21st May, 1971.